AMERICAN COUNCIL OF THE BLIND

1155 15th Street, N.W. • Suite 720 • Washington, DC 20005
Telephone (202) 467-5081 • Fax (202) 467-5085

Oral O. Miller, J.D.
National Representative

Before the
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Washington, D.C. 20554

In the Matter of	)	
Closed Captioning and	)	MM Docket No.
Video Description	)	95-176
of Video Programming	)	
	)	

NOTICE OF INQUIRY

Comments of the
AMERICAN COUNCIL OF THE BLIND
IN THE NOTICE OF INQUIRY REGARDING
CLOSED CAPTIONING AND VIDEO DESCRIPTION

To the Commission:

The American Council of the Blind (ACB) is pleased to respond to your request for comments in the Notice of Inquiry, FCC 95-484, in the above-captioned proceeding, released December 4, 1995.

The Commission seeks to assess the current availability, cost, and uses of closed captioning and video description, and to assess what further Commission actions may be appropriate to promote these services. It also seeks comment on the appropriate means of promoting the services' wider use in programming delivered by television broadcasters, cable operators, and other video programming providers.

The American Council of the Blind is a national membership organization of blind men and women, with approximately seventy affiliate organizations and members in every state. ACB strives to increase the independence, security, equality of opportunity, and quality of life for all blind and visually impaired people. ACB is very pleased that the Commission seeks to promote wiser use of video description services.

COMMENTS

Paragraph #6

Regarding the sentence ". . . ***the video description of a television program is transmitted via the Second Audio Program channel*** . . .": this sentence is misleading in that it identifies

only one of several ways in which video description has, in fact, been transmitted. The Narrative Television Network (NTN) uses "open description" for all its programming, in which the description is part of the program audio for all audience members -- it cannot be turned on and off. Another method that has been used is simultaneous transmission of the description audio over a Radio Reading Service. Recently, AudioVision Canada has been transmitting description audio separately from regular audio over a radio reading service available on most Canadian cable television FM systems, a technique which works best for those who are not interested in or able to see the program's video, since only one television channel can be accessed at a time. As a consequence of these other methods, it is not necessary that an audience member have access to SAP in order to receive any video description.

It is our understanding that other techniques are also possible, such as delivery of the description audio using the vertical blanking interval, or over telephone lines.

Paragraph #11

"***Elaborate on the importance and nature of these benefits.***"

The importance of video description to persons with visual impairments has been documented in two studies conducted by the American Foundation for the Blind (AFB). Legally blind participants in one AFB study reported that when they watch television they feel they generally miss information that is available to fully-sighted people. Majorities also reported that adding description makes programs more enjoyable, interesting, and informative, and that description does not make programs more confusing or boring. Having video description makes the participants more comfortable discussing programs with sighted friends. In a variety of attitudinal measures, the participants reported that they prefer described television programs to programs presented without description.

Additionally, the AFB researchers found that participants who watched taped television programs that were video described learned more than did those who watched a non-described version.

The benefits that have been attributed by those who have experience in video described programming include: 1) gaining knowledge about the visual world; 2) gaining a better understanding of televised materials; 3) feeling independent; 4) experiencing social connection; 5) feeling equality with those who do not have visual impairments; 6) relief of burden on sighted viewers with whom they watch; and 6) experiencing enjoyment.

"***Submit information regarding the number of individuals in this country who can benefit from these innovations, including the basis for such estimates.***"

The Bureau of the Census's Survey of Income and Program Participation (SIPP) estimated that in 1991-92, nearly 10 million people reported "difficulty seeing the words and letters in ordinary newspaper print, even when wearing glasses or contact lenses (if the person usually wears them). Many individuals who are considered legally blind and

who have difficulty seeing at a distance, however, are able to read news print with corrective lenses. Thus, there are certainly many more individuals who are not counted in the SIPP statistics who have difficulty seeing television and movie screens clearly who would benefit from video described programming. Additionally, the SIPP statistics are based on household surveys and would, therefore, not include individuals in institutions, such as nursing homes, who are often visually impaired. Accordingly, ACB estimates that there are probably at least 12 million Americans who could potentially benefit from video described programming.

"Is the number of persons with hearing and vision disabilities expected to grow . . .?"

The aging of the population has resulted in, and will continue to result in, an increase in the number of individuals with severe visual impairments, especially as the "baby boomers" move into their 60s and beyond. Additionally, the number of individuals with visual impairments is expected to increase due to the continuing effectiveness of life-saving medical advances which can extend the lives of persons with severe traumatic injuries, low birth weight, and disease.

"What proportion . . . require . . . video description to enjoy television programming, and what proportion currently utilize these technologies?"

Although the degree of benefit would vary from individual to individual, depending on how much television each individual watches, ACB estimates that nearly all of the 12 million visually impaired people in America would benefit from video described programming to some extent. Even the poorest households in the United States generally have at least one television, and this is also true for people who are blind or visually impaired. Visually impaired people watch television and attend movies, plays, and sports events just as their sighted peers do. The difference in the experience for people who are visually impaired and people who are fully sighted is merely that those who are visually impaired do not enjoy equal access to the information conveyed through these media. Video description allows people with visual impairments equal access to information.

The proportion of the visually impaired population who currently utilize video description is not currently known. Because of the very limited availability of video description to date, the proportion is undoubtedly correspondingly low.

"We seek comment on the number of children . . . that can benefit . . . and the nature of these benefits."

According to the Health Interview Survey of the National Center for Health Statistics, in 1993 there were approximately 500,000 people with vision impairments who are under 18 years of age. Children who are visually impaired get similar benefits to those experienced by adults. Some of these benefits are of particular importance to children and adolescents because of the importance of the development of social relationships during this period of life. Being cut off from information experienced by all of one's peers on a daily basis can result in virtual cultural illiteracy and social isolation.

The educational benefits of video described programming for children cannot be over-emphasized. Educational television shows are increasingly being used as a learning tool in the classroom as well as being assigned homework projects, and video description will allow those children with visual impairments to have access to the same information as others. In addition to the benefits of video description for television shows, description can also benefit classroom instruction through the use of described video tapes and described educational CD-ROMS. The educational benefits of video described programming will likely multiply exponentially as advanced telecommunications services are installed in all American classrooms as contemplated by the Telecommunications Act of 1996.

Paragraph #12

"Video description may similarly benefit individuals with learning or cognitive disabilities . . . may provide a convenient feature for all viewers . . . We seek comment on the nature and extent of each of these potential benefits, including . . . the number of individuals who would utilize . . . video description for these purposes."

Sighted people often enjoy video description because it points out visual elements of programs that they may not have noticed without description. Video description is also beneficial for individuals who engage in activities such as crafts, housework, and paperwork while watching television. Video described programming is particularly beneficial to the families and friends of visually impaired people. Those who watch television with visually impaired family members or friends enjoy video described programming because they do not have to attempt to explain visual elements to their viewing partners while trying to watch and enjoy the program themselves.

Paragraph #16

"Are there efforts by other video programming providers and producers to provide video description or at least experiment with this service?"

We are aware that there have been some local efforts to provide video description for a limited number of television shows. To the best of our knowledge, these have been of short duration.

"To what extent are live programs video described?"

To the best of our knowledge, Descriptive Video Service's (DVS) live description of the 1993 Presidential Inauguration was the only occasion of live description on television. However, the widespread use of description in live theater presentations, and occasional use of in-person description of public events (such as parades or film presentations), are testaments to the ease with which this can be accomplished. The popularity of spontaneous description is evidence that consumers are satisfied with the quality, despite the fact that it must by definition allow for less contemplation and preparation than description for a recorded program.

"We also request comment on the estimated number of U.S. households . . . capable of receiving the SAP channel, and thus are able to receive video description . . . "

We do not know the number of households that own SAP-equipped television sets.

Paragraph #17

"The impact of digital television . . . on video description."

The future impact of digital television on video description is not yet known. We anticipate, given the requirements for video description provided in the Telecommunications Act, that digital television should be developed in such a way that it will include the capacity for providing video description. It is our understanding, however, that this technology is not yet widely available; thus, it cannot be the only mechanism for providing video described programming.

Paragraph #18

"We ask parties to provide information on the current costs of providing . . . video description . . . Do the rates vary by . . . other factors?"

Video described programming has been produced in such limited quantities that there has been no opportunity to develop an economy of scale. Thus, current cost estimates may not serve as predictive of future costs. The significant drop in the cost of providing captioning is one example of how wide-scale access costs less than limited access.

Paragraph #19

ACB is aware of only two major suppliers for described programs: Descriptive Video Service of WGBH-TV in Boston, Massachusetts, and the Narrative Television Network in Tulsa, Oklahoma.

Paragraph #20

Private funding has not met the need for getting video described programming off the ground. Federal funding was largely responsible for making closed captioning a reality. A similar infusion of federal funding is needed to get the video description industry off the ground.

Paragraph #24

"We solicit comment on the role market-based incentives can play in fostering this service."

Advanced notice to blind and visually impaired people in accessible formats when video described programming is available will generate the interest. Availability must not be dependent, however, on driving to the service. Recently, Blockbuster Video announced a pilot project of providing video described movies in ten cities. The locations chosen by

Blockbuster Video were not discussed in advance with blind and visually impaired consumers. Some of the locations selected are not on public transportation routes and are not likely to be frequented by consumers who, by definition, cannot drive to the locations. We are concerned that Blockbuster Video will interpret the lack of usage of the service as a lack of interest, rather than a lack of access. Similarly, if network and cable programming are video described, but the only notice of such description appears in printed program schedules, blind and visually impaired people will not know about and be able to take advantage of this service for which there is much interest.

Video description providers should make use of consumer boards in their decision-making. Consumers can provide valuable input to producers on consumer preferences, standards, and quality of programming. The more that description suits the needs and desires of consumers, the more viewers there will be, leading to greater incentives to describe shows. A larger audience translates into less cost per person for the provision of description, and a larger audience with which to sell advertising time at greater cost. There is every reason to expect that, as with other types of programming, quality description will lead to gains for the audience, the producers, and the advertisers.

Paragraph #27

The Telecommunications Act provides that the FCC shall "examine the use of video descriptions on video programming in order to ***ensure*** the accessibility of video programming to persons with visual impairments, . . ." (emphasis added). Thus, it seems appropriate that access requirements be applied across the industry, to producers, distributors, and program providers. Allowing parties to allocate responsibilities through private contract, as is allowed under Title III of the Americans with Disabilities Act is not workable under the Telecommunications Act because the Telecommunications Act prohibits private rights of action -- thereby making it impossible for a plaintiff to have private contracts judicially enforced. Because it is less expensive for the producers of programming to make programming accessible, producers of any new programs (programs produced after the effective date of the Telecommunications Act) should be responsible for making new programs accessible. Programs that are already produced must be, in effect, retrofitted. If all parties involved are ultimately responsible for providing video description, enforcement by the FCC will be much easier.

Paragraphs #29 and 30

There is no justification for a blanket exemption for certain types of providers. Local providers are often the ones who are transmitting life-safety information such as storm warnings and emergency broadcast notices. Despite the relative minimal cost involved in making these announcements and notices accessible, many providers have refused to do so. Such public information notices should be accessible to all citizens, regardless of the nature of the provider. The factors to be considered in making exemption determinations are set forth in the Americans with Disabilities Act, and are referenced in the Telecommunications Act. ACB recommends using the factors already established under the ADA.

Regarding factors to consider in making exemptions, blind and visually impaired people should not have sighted people deciding for them what programming they should have access to. ACB has encountered this problem in the past when certain sighted individuals attempted to decide what literary books were appropriate for being translated into braille for blind readers. The First Amendment to the U.S. Constitution does not permit this type of censorship. Blind and visually impaired consumers should be involved in any exemption determinations. ACB recommends that the FCC establish an advisory committee comprised of blind consumers, industry representatives, and individuals with video programming experience to develop guidelines for making exemption determinations.

Paragraph #31

"For example, is it necessary to require video description of a sporting event that already provides a play-by-play commentary or that is covered by a radio broadcast?"

Sporting events that include play-by-play commentaries assume that the person viewing the event can see. The idea of play-by-plays is to elaborate on what the person is seeing, so they can interpret it better. Since sight is assumed, there may be times when play-by-plays may provide no additional information to non-sighted viewers, such as when spectators cheer and the announcer asks with astonishment, "Wow, did you see that?"

Regarding the issue of radio broadcasts, these are sufficient only if one assumes that blind and visually impaired people are experiencing the programming in isolation. In a National Science Foundation study, only one-fifth of the participants reported that they always watch television alone. In fact, people who are visually impaired are likely to be watching, or be interested in watching, these shows along with sighted family members and friends and therefore would not wish to retreat to another room to listen to the radio, or to sit in the same room using an earphone listening to a different announcer over the radio. Such behaviors can be isolating rather than inclusive, which is the goal of video description.

Paragraph #32

"We seek comment on whether there is any need for technical or quality standards to ensure that video descriptions are accessible and understandable to individuals with vision disabilities. Would laboratory or field testing be necessary to set any such standards . . .?"

Standards for video description are necessary to ensure that description successfully provides access to television programming. ACB recommends that the FCC establish an advisory committee, including representation from blind consumers, individuals with experience in video programming, and industry representatives to establish standards.

"What impact will . . . digital technology have on the transmission of video description?"

The future impact of digital technology on video description is not yet known. We anticipate that, given the requirements for video description provided in the

Telecommunications Act, digital technology should be developed in such a way that it will include the capacity for providing video description. It is our understanding, however, that this technology is not yet widely available; thus, it cannot be the only mechanism for providing video described programming.

Paragraph #34

"***We seek comment on appropriate timetables for implementing any . . . requirements that may be imposed.***"

ACB recommends that timetables and priorities for video described programming be established after consultation with an advisory committee comprised of blind consumers, industry representatives, and individuals with video programming experience. ACB would be pleased to designate a representative to serve on such a committee.

Respectfully submitted,

Julie H. Carroll
Director of Governmental Affairs
American Council of the Blind
1155 15th Street, N.W., Suite 720
Washington, D.C. 20005